

Attorney Docket # 4100-77CPA2

AF/2854

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Eduard HOFFMANN et al.

Serial No.: 08/856,944

Filed: May 15, 1997

For: A Carrying Sleeve For Printing And Transfer  
Forms And A Process For Production Of Such  
A Carrying Sleeve

Examiner: J. Reed Fisher  
Group Art: 2854

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Name of applicant, assignee or Registered Representative

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REPLY BRIEF

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This reply brief is in response to the Examiner's Answer of September 8, 2000.

At the outset, appellants do not see where the Examiner, on page 3 of the Examiner's response, finds basis for the second issue for review. Upon review of the file history appellants find no rejection of claim 1 under 35 USC 103(a) over Tittgemeyer in view of Johnson, Köbler, et al., Fantoni, et al., and the acknowledged prior art under 35 USC 102(f) or (g). The final rejection dated September 17, 1999 merely repeats the final rejection dated April 27, 1999, which contains the rejections as recited by the appellants in their brief.

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Prior to the Examiner's Answer, appellants do not see an affirmative rejection under 35 USC 103 over Tittgemeyer in view Johnson, Köbler, et al., Fantoni, et al. and acknowledged prior art. Appellants take issue with the Examiner's position that this rejection was raised in the final rejection mailed September 17, 1999. All this final rejection contains is a narrative discussing the various references. In Appellants' opinion there is no indication that there is a rejection based on Tittgemeyer as the base reference.

Assuming that this is now a rejection which must be addressed, appellants offer the following comments.

Tittgemeyer discloses a method and apparatus for printing with a lithographic sleeve. Tittgemeyer provides no teaching concerning a weld seam or the processing of a crown portion of the weld seam to provide a continuous outer circumferential surface made up of the outer surface of the metal sheet and the weld seam so as to provide continuous printing with all regions of the outer surface including the weld seam, as in the present invention. The Examiner correctly points out that Tittgemeyer discloses a sleeve shaped printing form that can be used for endless printing. However, Tittgemeyer does not teach forming the printing sleeve from a flat rectangular base plate by bending the base plate into a desired cylindrical form so that the two edges of the base plate face one another and can be welded together. The type of sleeve disclosed by Tittgemeyer is a relatively expensive sleeve produced by a galvanic process. The expense of such cylinders is indicated in the background portion of the reference.

The patents to Johnson, Köbler, et al. and Fantoni, et al., as well as the acknowledged prior art, have been previously discussed in appellants' Appeal Brief.

Appellants respectfully submit that nothing in the teachings of these references suggest combining any of the teachings thereof to arrive at the presently claimed invention.


Although the references individually show features which might appear similar to those of the presently claimed invention there is nothing in the teachings of these references or in the prior art in general which suggest the combination argued by the Examiner. The only way one skilled in the art would arrive at the presently claimed invention from the invention relied upon by the Examiner is by impermissible hindsight reconstruction of the invention. The mere fact that the prior could be modified in a particular way does not make that modification obvious unless the prior art suggested the desirability of modification. *In re Gordon*, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984).

Thus, it is respectfully submitted that there is nothing in the teachings of the references which suggest modifying Tittgemeyer to arrive at the presently claimed invention. Therefore, it is respectfully submitted that the Examiner's rejection of claim 1 under 35 USC 103 over Tittgemeyer in view of Johnson, Köbler, et al., Fantoni, et al. and acknowledged prior art is erroneous and the reversal thereof is requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE

By   
Klaus P. Stoffel  
Reg. No. 31,668  
551 Fifth Avenue, Suite 1210  
New York, New York 10176  
(212) 687-2770

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